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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,394	06/05/2001	Steven Mason	03752.00001	4602

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EXAMINER

COBANOGU, DILEK B

ART UNIT PAPER NUMBER

3626

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/873,394	Applicant(s) MASON ET AL.	
	Examiner Dilek B. Cobanoglu	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the amendment filed on 01/31/2006.

Claims 1-16 remain pending. Claims 1, 8, 9, and 12 have been amended.

2. The objection to the oath/declaration has been withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being unpatentable by Anderson et al. (U.S. Patent No. 6,021,202).

A. Claim 1 has been amended to now recite a database server storing said patient information and being connected to said web server. The applicant removed the word "directly" from the claim.

As per claim 1, Anderson et al. discloses a system for storing information comprising:

- i. A network of computers including the internet (Anderson et al.; col.16, lines 28-31)

- ii. A web-based client at a first location connected to said network (Anderson et al.; col.1, lines 41-47) comprising an input for receiving patient information (Anderson et al.; col.38, lines 18-23 and col.2, lines 8-12) and an output for transmitting said patient information over said network (Anderson et al.; col.38, lines 23-24)
- iii. A web server at a second location connected to said network and receiving said patient information (Anderson et al.; col.18, lines 8-12)
- iv. A database server storing said patient information and being connected to said web server (Anderson et al.; col.18, lines 47-53).

The Examiner interprets that the distributed "client-server" model of Anderson, to include both direct and distributed (i.e. indirect) connection between a database and a web server.

B. Claims 2- 7 have not been amended. As such, claims 2- 7 are rejected for the same reasons given in the previous Office Action and incorporated herein.

C. As per claim 8, Anderson et al. discloses a web-based client connected to said network (Anderson et al.; col.1, lines 41-47) including the Internet, said network connected to a web server, said web server connected to a database server (Anderson et al. col.16, lines 13-15, and col. 16, lines 51-55), said web based client comprising:

- i. An input for receiving patient information (Anderson et al. col.38, lines 18-23 and col.2, lines 8-12)

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- ii. An output for transmitting said patient information to database across said network (Anderson et al. col.38, lines 23-24)
- iii. Wherein said database server stores said patient information and provides access to said patient information to at least another client or signer (Anderson et al. col.16, lines 40-45)

The Examiner interprets that the distributed "client-server" model of Anderson, to include both direct and distributed (i.e. indirect) connection between a database and a web server.

D. As per claim 9, Anderson et al. discloses a method of processing patient information or medical records (Anderson et al.; col.18, lines 11-12 and lines 17-19) on a web-based client (column 16, lines 12-15) comprising:

- i. Designating a patient (column 9, lines 41-43 and also column 2, lines 9-13)
- ii. Designating a type of information (column 9, lines 7-12)
- iii. Transmitting designations over Internet to the server (column 16, lines 51-55)
- iv. Receiving a form (column 13, lines 22-24 and column 31, lines 44-45)
- v. Populating the form (column 4 lines 66-67 and column 5, lines 1-2)
- vi. Transmitting the information from web server which forwards the information to database server (column 38, lines 13-32)

The Examiner interprets that the distributed "client-server" model of Anderson, to include both direct and distributed (i.e. indirect) connection between a database and a web server.

E. Claims 10-11 have not been amended. As such, claims 10-11 are rejected for the same reasons given in the previous Office Action and incorporated herein.

F. As per claim 12, Anderson et al. discloses a system for storing information (Anderson et al. col.16, lines 25-27) from a web-based client at a first location (Anderson et al. col.1, lines 41-47) that receives patient information (Anderson et al. col.38, lines 18-23 and col.2, lines 8-12) and outputs the information to a network including the Internet (Anderson et al. col.38, lines 23-24 and col.16, lines 28-31), said system comprising:

- i. A web server at a second location connected to said network and receiving said patient information (Anderson et al. col.18, lines 8-12)
- ii. A database server storing patient information being connected to said web server (Anderson et al. col.18, lines 47-53)

The Examiner interprets that the distributed "client-server" model of Anderson, to include both direct and distributed (i.e. indirect) connection between a database and a web server.

G. Claims 13-16 have not been amended. As such, claims 13-16 are rejected for the same reasons given in the previous Office Action and incorporated herein.

Response to Arguments

5. Applicant's arguments filed 01/31/2006 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 01/31/2006.

6. Applicant makes the following arguments:

a. Anderson does not teach anything other than a database at the doctor's office for storing and retrieving medical records.

In response to Applicant's first argument, the Examiner respectfully submits that it is immaterial as to whether Anderson's database is at doctor's office or not, since Anderson generally discloses a distributed "client-server" model, which would include both a direct connection to a database, or a distributed connection (i.e. indirect) connection between a database and a web server through a CGI (see col. 18, lines 8-12). Furthermore, Anderson's Fig. 20, element 520 and col. 39, line 21 to col. 40, line 7.

In addition, the claims as currently recited, do not preclude a database server from being located at a doctor's office or not. In fact, the Examiner considers a database server connected to a web server at a second location only requires that database server and the web server are not located in the same room.

b. Anderson's database server does not store patient information.

In response to Applicant's second argument, the Examiner respectfully submits that the signature on the medical record for that particular patient is recorded in a database (see col. 39, line 21 to col. 40, line 7).

- c. Anderson's second client or doctor's computer does not obtain patient information from a remote database.

In response to Applicant's third argument, the Examiner respectfully submits that second doctor receives the medical record 520 from the first doctor, which is located remote to the second doctor (see Fig. 26 and col. 39, line 21 to col. 40, line 7).

- d. A notary is not the same as a referral.

In response to Applicant's forth argument, the Examiner respectfully submits that transmitting the medical record to a third party or a second doctor with the first doctor's secure authenticator has the same meaning of first doctor is referring or giving permission to the second doctor or a third party to get the medical record information (see col. 39, line 21 to col. 40, line 7).

In addition, signature has its broadest source in Anderson reference including indication of agreement, consent, certification, acceptance, or other giving of authority, that is associated with a person or entity. (see col. 2, lines 9-13)

- e. Anderson does not teach form and does not reference information from a remote source.

In response to Applicant's fifth argument, the Examiner respectfully submits that second doctor receives the signed or approved medical record or document or form from the first doctor, which is located remotely from the first doctor (see col. 39, line 21 to col. 40, line 7 and col. 13, lines 31-35).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
8. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DBC

DBC

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03/09/2006


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER